

Interim Decision #1999

MATTER OF SANTANA
In Deportation Proceedings

A-14884798

Decided by Board August 15, 1969

An alien who, following arrival for permanent residence, did not proceed to her employment as a "sleep-in" maid for which she had been issued a labor certification but instead resumed the employment (linking machine operator) she had prior to departure to obtain her visa for entry for permanent residence, is deportable for lack of a valid labor certification at entry as required by section 212(a)(14) of the Immigration and Nationality Act, as amended, notwithstanding she belatedly (more than a year after entry, and following the institution of deportation proceedings) took the employment for which she was certified at entry.

CHARGE:

Order: Act of 1952—Section 241(a)(1) [8 U.S.C. 1251]—Excludable by law existing at time of entry (section 212(a)(14), I. & N. Act; 8 U.S.C. 1182)—coming to perform skilled or unskilled labor—no valid labor certification.

ON BEHALF OF RESPONDENT:
Albert Mayer, Esquire
274 Madison Avenue
New York, New York 10016

ON BEHALF OF SERVICE:
Irving A. Appleman
Appellate Trial Attorney

The case is before us on appeal from a special inquiry officer's order of June 6, 1968, granting the respondent the privilege of voluntary departure, but providing for her deportation from the United States to the Dominican Republic, on the charge contained in the order to show cause, in the event of her failure to so depart. The special inquiry officer's decision will be affirmed and the appeal dismissed.

The record relates to a 34-year-old female alien, a native and citizen of the Dominican Republic, who last entered the United States on May 17, 1967. She was then admitted for permanent residence upon presentation of an immigrant visa supported by a certification from the Secretary of Labor. The latter document